

Jeffery A. Garofalo (Bar No. 7345)
E-mail: jeff.garogalo@procopio.com
PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP
10000 W. Charleston Blvd., Suite 140
Las Vegas, NV 89135
Telephone: 702.216.2684
Facsimile: 619.788.5500

Lisel M. Ferguson (Bar No. 207637/Pro Hac Vice)
E-mail: lisel.ferguson@procopio.com
PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP
525 B Street, Suite 2200
San Diego, CA 92101
Telephone: 619.238.1900
Facsimile: 619.235.0398

Attorneys for Plaintiff and Counter-Defendant
UPMANN SANCHEZ TURF AND LANDSCAPE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UPMANN SANCHEZ TURF AND
LANDSCAPE, dba US Turf,

Plaintiff,

v.

US TURF LLC, dba Serenity Landscaping,

Defendant.

US TURF LLC,

Counterclaimant,

v.

UPMANN SANCHEZ TURF AND
LANDSCAPE, INC.

Counter-Defendant.

Case No. 2:21-cv-01749-JCM-DJA

**STIPULATION AND ORDER FOR
EXTENSION OF DISCOVERY
DEADLINES**

(SECOND REQUEST)

///

///

///

1 Plaintiff/Counter-Defendant UPMANN SANCHEZ TURF AND LANDSCAPE, INC.,
2 ("Plaintiff") and Defendant/Counterclaimant US TURF, LLC ("Defendant"), by and through their
3 counsel of record, hereby respectfully submit this Stipulation and Order for Extension of
4 Discovery Deadlines in this case. This is the second request to extend discovery deadlines in this
5 matter and seeks a ninety (90) day extension of time for the close of discovery and similar
6 extension for the deadline to submit a rebuttal expert report.

7 **FACTUAL BACKGROUND**

8 Plaintiff filed the Complaint in this case on September 22, 2021 (ECF No. 1) and
9 Defendants filed their Answer and Counterclaims on November 2, 2021 (ECF No. 11). Plaintiff
10 filed a Motion to Dismiss or Strike Defendant's Counterclaims on December 7, 2021 (ECF No.
11 15). Defendant filed its Opposition to Plaintiff's Motion on January 7, 2022 (ECF No. 20) and
12 Plaintiff's filed its Reply on January 13, 2022 (ECF No. 21).

13 On December 10, 2021, the Court entered a Discovery Plan and Scheduling Order (ECF
14 No. 18), which set the close of discovery on May 2, 2022. On February 22, 2022 the Parties filed
15 the first Stipulation for Extension of Time which the Court granted on February 23, 2022. (ECF
16 No. 22-23). The close of discovery is currently August 1, 2022.

17 **COMPLETED DISCOVERY**

18 The parties made the required initial disclosures under Rule 26 on December 22, 2021.
19 On December 24, 2021, Defendant served its first set of discovery requests on Plaintiff to which
20 Plaintiff, after requesting a three-week extension of time, served responses on February 14, 2022.
21 On February 15, 2022, Plaintiff served its first set of discovery requests on Defendant. Defendant
22 was granted a one-week extension of time and responded on March 24, 2022. The Parties met
23 and conferred regarding 30(b)(6) depositions on May 11, 2022. Plaintiff took the depositions of
24 two of Defendant's principals on June 1, 2022. On June 2, 2022, Defendant designated an expert
25 and produced the expert's report. The deposition of Plaintiff's 30(b)(6) is currently set for June
26 23, 2022.

27 ///

28 ///

REMAINING DISCOVERY

While the Parties have completed one round of written discovery the parties still have depositions to complete and expert discovery. The currently scheduled deposition of Plaintiff's 30(b)(6) witness still needs to be completed. The parties also anticipate that additional depositions may be conducted including the deposition of Defendant's expert, the deposition of any rebuttal expert witness proffered by Plaintiff, Defendant's 30(b)(6) witness, and potentially other individuals whose identity was learned through the deposition of Defendant's principals on June 1, 2022, or who may be identified during the deposition of Plaintiff's or Defendant's 30(b)(6) witness or any other subsequent depositions conducted by Plaintiff or Defendant.

In addition, on June 2, 2022, Defendant timely served an expert report and opinion along with Defendant's initial expert disclosures, and Plaintiff requires additional time to obtain a rebuttal report from an expert prior to the current rebuttal expert deadline of July 5, 2022.

GOOD CAUSE TO EXTEND DISCOVERY

The parties have been diligent in conducting discovery in this matter so far and remain diligent in doing so. Both Parties have experienced slight initial delays due to the holidays at the end of 2021 and/or COVID-19. However, the Parties have been diligent in seeking and responding to discovery and resolving any disputes that arose in regards to discovery. In February 2022, the Parties requested and this Court granted an extension of discovery deadlines. The Parties were on track with meeting the prior extension until Plaintiff received Defendant's initial expert designation and report on June 1, 2022. The report included a survey and Plaintiff has reached out to potential experts to rebut the report and survey, and all potential experts have indicated that they would need additional time to prepare a rebuttal report to Defendant's expert report. For these reasons, this Stipulation is made for good cause and not for purposes of delay.

The Parties hereby stipulate and agree to the following deadline dates for the remaining discovery deadlines in this case:

- **Discovery Cutoff Date: October 31, 2022.**
- **Rebuttal Expert Disclosures: September 30, 2022**
- **Dispositive Motions: November 30, 2022**

- **Pretrial Order: December 30, 2022.** This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the Court.

DATED: June 7, 2022

IT IS SO AGREED AND STIPULATED:

**PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP**

GILE LAW GROUP LTD.

/s/ Jeffery A. Garofalo, Esq/

/s/ Ryan Gile, Esq.

Lisel M. Ferguson (Pro Hac Vice)
E-mail: lisel.ferguson@procopio.com

Ryan Gile, Esq.
Nevada Bar No. 8807
rg@gilelawgroup.com
1180 N. Town Center Drive, Suite 100
Las Vegas, Nevada 89144
Tel. (702) 703-7288

525 B Street, Suite 2200
San Diego, CA 92101
Telephone: 619.238.1900

Jeffery A. Garofalo (Bar No. 7345)
E-mail: jeff.garogalo@procopio.com
10000 W. Charleston Blvd., Suite 140
Las Vegas, NV 89135
Telephone: 702.216.2684

*Attorneys for Defendant/Counterclaimant
US TURF LLC*

*Attorneys for Plaintiff/Counter-Defendant
Upmann Sanchez Turf and Landscape*

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

Dated: June 8, 2022